

## REMARKS

Claims 1-20 are pending in the application. In the non-final Office Action mailed December 15, 2004 the Examiner rejected claims 1-7, 12 and 14-17 under 35 U.S.C. 102(b) as being anticipated by Reele et al. (U.S. 5,619,257), and rejected claims 8, 10, 11, 13 and 18-20 under 35 U.S.C. 103(a) as being unpatentable over Reele et al. in view of Petruchik (U.S. 5,619,738). Claim 9 was objected to, but indicated to be allowable in substance.

Applicant respectfully requests reconsideration in view of the foregoing amendments and the remarks hereinbelow.

### **Rejection of Claims:**

#### **Reele et al.**

Reele et al. discloses a hybrid camera in which successive pairs of matching film images and electronic images are simultaneously captured on a photographic film 14 and a CCD 16 via a beam splitter 12. A user interface 22 is connected to a computer 18 in the camera to allow one to reduce the pixel density of an electronic image captured by the CCD. The electronic image with the reduced pixel density is then stored in a memory 20 in the camera. An LCD 24 in the camera allows the stored electronic image to be viewed, seemingly limited to the geometric format or aspect ratio of the LCD. The reduction of pixel density is a reduction in the resolution or quality of a captured electronic image from PhotoCD quality to 8x10 print quality, 3x5 print quality, facsimile quality, or newspaper quality. It is done in the computer 18 using a conventional image compression process to reduce the number of pixels captured by the CCD 16 to the number and format of the particular density chosen by the user through the interface 22 (col. 3, lines 61-end, col. 4, lines 1-18). A resulting higher-resolution image occupies more partitions 42 in a single stack location 40 in the memory 20 than a resulting lower-resolution image. This is illustrated in FIG. 3C, which shows a higher-resolution 8x10 print quality image occupying four partitions 2-5 and a lower-resolution 3x5 print quality image occupying two partitions 6 and 7. This does not appear to be a change in geometric format or aspect ratio of the stored electronic image as the Examiner has assumed. Instead, it appears to be a reduction in the number of pixels from a captured electronic image to the stored

electronic image. As can be appreciated by looking at FIG. 3C, the 8x10 print quality image occupying four partitions 2-5 does not have an 8:10 aspect ratio.

It is recognized in Reele et al. that the user interface 22 allows one to reduce the number of pixels captured by the CCD 16 to the number "and format" of the particular density chosen by the user through the interface 22 (col. 4, lines 1-9 and 19-24). However, the term "format" in this context does not appear to be referring to changing the geometric format or aspect ratio of the each stored electronic image (particularly since this is not shown in FIG. 3C, and since each stored electronic image appears to be viewable only in the geometric format or aspect ratio of the LCD 24).

Also, it is noted in Reele et al. that each stored electronic image can be transferred from the memory 20 via an output interface 25 in the camera to a different storage media such as a Photo CD (col. 3, lines 14-15).

Given the foregoing explanation of Reele et al., the claimed invention is patentably distinct from Reele et al.

For example, Reele et al. does not teach or suggest changing the captured electronic images to different aspect ratios without any reduction in their image density as in independent claims 1, 12 and 18.

Reele et al. does not teach adding to an initial (captured) electronic image an indication of an alternative aspect ratio as in dependent claims 2 and 14.

Also, Reele et al. does not teach that an initial (captured) electronic image is restorable from a re-formatted (stored) electronic image without any change in image density as in dependent claims 4 and 16. It is noted that in Reele et al. that a stored electronic image can be deleted from the memory 20 to make space for other electronic images, but this is not an anticipation of claims 4 and 16 as the Examiner assumes.

There is no image cropping of an initial (captured) electronic image in Reele et al. as the Examiner assumes in connection with dependent claims 5, 6 and 17. A reduction of image density (resolution)is known to one of ordinary skill in the art not to be image "cropping".

#### Petruchik et al.

In Petruchik et al. a captured electronic image is cropped, such as along the top and bottom, to view it in a different aspect ratio at LCD 48. The cropping does not include any reduction in image density to reduce image resolution or

quality as in Reele et al. Since Reele et al involves reducing image density to reduce image resolution or quality and Petruchik involves imaging cropping to change aspect ratio, they are sufficiently different to mitigate against any reason, suggestion or motivation that would lead one of ordinary skill in the art to select the two references and combine them as the Examiner has done. The showing of combinability must be clear and particular, and it is not so in this instance. *Ruiz et al. v. A.B. Chance Co.*, 234 F.3d 654, 57 U.S.P.Q.2d (BNA) 1161 (Fed. Cir. 2000). The Examiner in combining Petruchik with Reele et al. has not provided any objective evidence to do so, and therefore has not met the USPTO's burden of establishing a prima facie case of obviousness.

**Objection of Claim 9:**

Claim 9 is amended to include the limitations that the Examiner has indicated are not in the cited prior art.

**Conclusion**

It is respectfully submitted, therefore, that in view of the above amendments and remarks, that this application is now in condition for allowance. If the Examiner disagrees in any way he is requested to telephone the undersigned attorney of record in an attempt to resolve such disagreement, and thus possibly place the application in condition for allowance.

Respectfully submitted,



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